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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,264	07/31/2003	Ashish B. Shah	13768.428	3792
47973 7590 05/12/2008 WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111				
EXAMINER SWEARINGEN, JEFFREY R				
ART UNIT 2145		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/631,264

**Applicant(s)**

SHAH ET AL.

**Examiner**

Jeffrey R. Swearingen

**Art Unit**

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This case has been assigned to a new examiner.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/24/2008 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-2 and 4-32 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2 and 4-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Multer et al. (US 6,671,757 B1).
6. In regard to claim 1, 13, 23, Multer disclosed:

*a computer processor executing a sync runtime module that provides services to one or more sync adapters, wherein the services provided by the sync runtime module to each of the one or more sync adapters include a change enumeration service that compares a first knowledge of a first replica with a second knowledge of a second replica to enumerate changes that are described by the second knowledge and absent from the first knowledge, wherein the knowledge of a replica comprises*

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*information describing a set of changes to the replica that the given replica is aware of and is independent from other replicas; and* column 6, lines 3-19

*a sync controller that instantiates a particular sync adapter such that the particular sync adapter utilizes the services to synchronize the first replica in the sync community with the second replica.*

Column 6, lines 3-19

There are currently several reasonable readings of this claim. One reading is the performance of a differential backup on a server by a magnetic tape backup drive or other similar backup system. A second is a restoration of data from a backup to a server. A third is a RAID drive system which mirrors a hard drive over multiple disks. A fourth is a storage area network/content distribution network. Another is syncing a portable device with a computer (see iPod and iTunes, Palm Sync). Applicant should be aware of the current breadth of the claims in preparation for the next office action.

7. In regard to claim 2, Multer disclosed:

*the services provided by the sync runtime module are accessed by the one or more sync adapters using an applications programming interface.* Column 7, line 2

8. In regard to claim 4, 13, 23, Multer disclosed:

*the services further comprises a conflict detection service that uses the first knowledge of the first replica and the second knowledge of the second replica to detect conflicts.* Column 7, lines 20-44

9. In regard to claim 5, Multer disclosed:

*the conflict detection service detects a conflict when a change enumerated by the first replica is not in the second knowledge of the second replica and a change enumerated by the second replica is not in the first knowledge of the first replica.* Column 7, lines 20-44

10. In regard to claim 6, Multer disclosed:

*the conflict detection service further comprises a conflict resolution module.* Column 15, lines 5-43

11. In regard to claim 7, Multer disclosed:

*the conflict resolution module can implement a conflict policy identified in a profile or included in a pluggable conflict resolution module.* Column 13, line 51 – column 14, line 8

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12. In regard to claim 8, Multer disclosed:

*a profile that includes one or more parameters, wherein the sync controller configures the particular sync adapter using the one or more parameters in the profile.* Column 13, line 51 - column 14, line 8

13. In regard to claim 9, Multer disclosed:

*the profile identifies one or more of:*

*a first source folder of the first replica;*

*a first destination folder of the first replica;*

*a second source folder of the second replica;*

*a second destination folder of the second replica;*

*a first filter to filter changes that are enumerated at the first replica;*

*a second filter to filter changes retrieved from the second replica;*

*a transformation for converting an item from the second replica to a format of the first replica; and*

*a conflict resolution policy.* Column 13, lines 10-35

14. In regard to claim 10, Multer disclosed:

*the services comprise one or more of:*

*an item ID matching service, wherein second item IDs of the second replica are provided by the particular adapter during a receive sync and first item IDs of the first replica are provided by the sync runtime module during a send sync;* column 44, lines 16-67

*a sync interruptability service that includes exceptions in a remote knowledge; and*

*a service that prevents changes from reflecting to and from the first replica.*

15. In regard to claim 11, Multer disclosed:

*the services further comprises a sync metadata management service that stores a remote knowledge for the particular adapter.* Column 8, lines 46-67

16. In regard to claim 12, Multer disclosed:

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*the sync metadata management service stores a local knowledge used by the particular adapter.*

Column 8, lines 1-16

17. In regard to claim 14, 24, Multer disclosed:

*defining the sync profile.* Column 13, lines 10-35

18. In regard to claim 15, 25, Multer disclosed:

*defining the sync profile comprises one or more of:*

*specifying a sync direction;*

*identifying the particular adapter;*

*identifying a first source folder and a first destination folder on the first replica;*

*identifying a second source folder and a second destination folder on the second replica;*

*and*

*including a conflict policy.* Column 13, lines 10-35

19. In regard to claim 16, 26, Multer disclosed:

*receiving the request from the particular adapter to enumerate changes on the first replica by comparing the knowledge of the first replica with the knowledge of the second replica further comprises receiving the request for a service provided by a sync runtime.* Column 13, line 51 – column 14, line 8

20. In regard to claim 17, 27, Multer disclosed:

*receiving the request for the service provided by the sync runtime further comprises providing the requested service.* Column 14, lines 1-23

21. In regard to claim 18, 28, Multer disclosed:

*providing the requested service further comprises managing sync metadata by performing one or more of:*

*storing a state of the synchronization for the particular adapter;*

*storing local knowledge for the second replica; and*

*storing a remote knowledge of the second replica.* Column 13, line 51 – column 14, line

8

22. In regard to claim 19, 29, Multer disclosed:

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*providing the requested service further comprises mapping a first item ID of the first replica with a second item ID of the second replica, wherein the particular adapter provides the second item ID of the second replica in a receive sync and wherein the sync runtime provides the second item ID of the second replica during a send sync.* Columns 17-32 detail the mapping of the two items

23. In regard to claim 20, 30, Multer disclosed:

*including exceptions in a remote knowledge such that items corresponding to the exceptions are not synchronized in future synchronizations.* Column 13, lines 18-35

24. In regard to claim 21, 31, Multer disclosed:

*preventing a change from being reflected between the first replica and the second replica using the first knowledge of the first replica and the second knowledge of the second replica.* Column 14, lines 1-8; column 15, lines 32-43

25. In regard to claim 22, 32, Multer disclosed:

*receiving changes enumerated by the second replica;* column 15, lines 5-43

*applying changes enumerated by the second replica at the first replica; and* column 15, lines 5-43  
*updating the knowledge of the first replica.* Column 15, lines 5-43

### **Conclusion**

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

27. Noble et al. US 7,028,153

28. Holenstein et al. US 6,745,209

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen  
Examiner  
Art Unit 2145

/J. R. S./  
Examiner, Art Unit 2145

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2145